

DETAILED ACTION

1. The amendment received on 09/25/2009 has been considered. It has been noted that claims 19,20,23,24,26,29-32,35-48,51-56, and 58-60 have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19,21-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demar et al (US 6,203,429) in view of Boyd et al (US 2004/0092315) and further in view of Giobbi et al (US 6,155,925).

Re claims 19,21-24,29-31,33-35,41,45-47,49-51, and 57: Demar et al discloses a device comprising a computer processor adapted to conduct a base game (**see fig.1; col.4, lines 63-67 and col.5, lines 1-6**); and a bonus selection apparatus in communication with said computer processor, said bonus selection apparatus including at least one surface display element adapted to display a bonus award amount in response to the selection of a bonus award amount by said computer processor; wherein said bonus selection apparatus is fixed and includes a plurality of said surface display elements disposed on said bonus selection apparatus; wherein said bonus selection apparatus comprises a video display adapted to depict an object with said bonus award amounts arranged on the surface of; wherein said base game includes game symbols positioned

on a player-selected quantity of pay lines, wherein said computer processor is adapted to select said bonus award amount based, at least in part, on the quantity of pay lines selected for play in the base game; wherein said base game includes game symbols positioned on pay lines and said player selects the amount wagered on at least one of said pay lines, wherein said computer processor is adapted to select said bonus award amount based, at least in part, on the amount wagered on at least one pay line played in the base game (**see col.5, lines 21-48 and col.6, lines 24-29**).

However, Demar et al does not explicitly teach a bonus payout wherein the bonus payout is changeable based on the certain conditions such as wagered amount.

Boyd et al further teaches and discloses a device with computer processor designed to populate / *activate and display* said bonus selection populate said bonus selection apparatus with at least one bonus award amount by identifying at least one bonus award amount for display on said bonus selection apparatus and displaying said at least one identified bonus award amount on said changeable surface display element in response to the identification of said at least one bonus award amount by said computer processor; and conduct a bonus feature in response to a bonus trigger condition / *which is the first criteria required in the bonus game rule of Boyd et al detected by said computer processor by controlling said bonus selection apparatus to select at least one bonus award amount from among said at least one bonus award amount displayed on said bonus selection apparatus* (**see abstract; figs.13-16; pars.[0007] and [0060]**).

Giobbi et al further teaches a changeable bonus award amount and pattern where the bonus game payout amount changes in response to variations in the wager amount as shown in

the abstract of Giobbi et al which examiner believes teaches the limitation and interpretation of changeable bonus award as included in the claims (**see abstract; col.2, lines 34-46**).

Therefore it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate the bonus selection of Boyd et al and the changeable bonus award of Giobbi et al into the invention of Demar et al. One would be motivated to do this so as to have a game system with a bonus feature where the bonus game can be configured with various payout awards and amounts based on specific criteria associated with the game as selected by the player, thereby providing satisfaction and increasing enjoyment to the users of the gaming system; further it would be obvious to have a changeable bonus payout based on change in wager so that the player has an opportunity to increase their bonus winning by increasing their wager, thereby making the game interesting and hence keeping the player interested in playing the game.

Re claims 25-28,32,36-40,42-44,48,52-56, and 58-60: Demar et al discloses wherein said bonus selection apparatus is adapted to change the display of said bonus award amount during the course of said base game; wherein said computer processor is programmed to conduct a series of games and display a bonus game based on a trigger of a bonus symbol / *such as bonus award amount* during the play of the base game (**see abstract**); wherein said bonus selection apparatus is adapted to change the display of said bonus award amount between base games; wherein said bonus selection apparatus is adapted to change the display of said bonus award amount during the course of said base game; wherein said base game produces at least one

outcome, wherein said computer processor is adapted to select said bonus award amount based, at least in part, on an outcome of the base game (**see col.15, lines 11-65**).

However, Demar et al does not explicitly teach wherein the bonus payout is changeable based on the certain conditions such as wagered amount.

Giobbi et al further teaches a changeable bonus award amount and pattern where the bonus game payout amount changes in response to variations in the wager amount as shown in the abstract of Giobbi et al which examiner believes teaches the limitation and interpretation of changeable bonus award as included in the claims (**see abstract; col.2, lines 34-46**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to make this combination. It would be obvious to have a changeable bonus payout based on change in wager so that the player has an opportunity to increase their bonus winning by increasing their wager, thereby making the game interesting and hence keeping the player interested in playing the game.

4. Claims 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demar et al (US 6,203,429) in view of Boyd et al (US 2004/0092315) and further in view of Adams (US 6,089,978) and Giobbi et al (US 6,155,925). The teachings of Demar et al and Boyd et al have been discussed above.

Re claims 20: Demar et al teaches a device comprising a bonus selection apparatus.

However, Demar et al does not explicitly teach wherein said bonus selection apparatus is rotatable about an axis and includes a plurality of said surface display elements disposed on said bonus selection apparatus such that different bonus award amounts are visible as said bonus

selection apparatus rotates; wherein the bonus payout is changeable based on the certain conditions such as wagered amount

Adams teaches wherein said bonus selection apparatus is rotatable about an axis and includes a plurality of said surface display elements disposed on said bonus selection apparatus such that different bonus award amounts are visible as said bonus selection apparatus rotates (**see col.2, lines 39-42**); bonus selection is adapted to be selected from at least one bonus award by rotating said surface display element (**see abstract**). Further examiner points out that the bonus outcomes being displayed on the reels of the Demar gaming machine, also teaches the feature of rotating bonus selection display.

Giobbi et al further teaches a changeable bonus award amount and pattern where the bonus game payout amount changes in response to variations in the wager amount as shown in the abstract of Giobbi et al which examiner believes teaches the limitation and interpretation of changeable bonus award as included in the claims (**see abstract; col.2, lines 34-46**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a wheel device and a driver for rotating the wheel device at the bonus selection so as to provide the game player with various options which can be displayed on the rotating wheel, and also to provide a sense of realism to the game; and to include a simulation of ball so has introduce variety into the game, hence increasing player enjoyment of the game.

Response to Arguments

5. Applicant's amendments filed 09/25/2009 have been fully considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument and amendment including the "changeable" limitation and hence clarifying that the bonus amount is changeable based on certain conditions, the examiner has introduced the Giobbi et al reference to teach a dynamic and changeable bonus amount which is changeable based on changed wager. The Giobbi et al reference further shows that the bonus amount payout associated with the game is not fixed but can change based on the conditions of changeable wager. Further examiner points out that it is obvious to combine the teaching of Giobbi et al into Demar et al since they are both related to gaming machines with both basic and bonus game and hence the changeable bonus payout of Giobbi can be incorporated into Demar et al without changing the functionality and operation of Demar et al.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

/John M Hotaling II/

Primary Examiner, Art Unit 3714